

TRULINCS 07480408 - KENNER, PHILLIP A - Unit: BRO-K-B

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U.S. DISTRICT COURT - E.D.N.Y.

★ JUL 13 2016 ★

FROM: 07480408
TO: Kenner, ■
SUBJECT: Change of Attorney
DATE: 07/10/2016 06:53:00 PM

LONG ISLAND OFFICE

Dear Your Honor:

I would like to receive the Court's approval to change my attorney, immediately. At this point in time, I no longer can believe, in any sense, that Mr. Haley is continuing to work in the best interest of my defense. I have several reasons that I would prefer to not exploit in front of the court, for Mr. Haley's better interest as well, but which have been underlying issues, starting in the months leading up to trial in April 2015. I am no longer able to ignore the obvious.

I have prepared a responsive disc (enclosed), pursuant to my interaction with the court from the witness stand, following the April 6, 2016 forfeiture testimony. Following the 4th day of Forfeiture Hearings in my case, Mr. Haley was deftly aware of my diligent efforts to complete the report and associated exhibits in a timely manner for the Court's immediate review, albeit under the daily stresses and obstacles presented to me, at MDC Brooklyn, simply to work on my own discovery materials under your Court order to do so.

Upon completion of the report for the court on June 15, 2016 (about one month ago), Mr. Haley refused to submit the information to the court on my behalf. After a few days of dialog, Mr. Haley visited me at the Metropolitan Detention Center and instructed me to terminate him, if I wanted to submit the responsive request to the Court. The strategic and basic requirements related to my defense have been in constant conflict between myself and Mr. Haley, since months before the beginning of trial in 2015 and have now reached an unacceptable and irreversible position.

Due to the voluminous nature of the case, as presented by the government, and the need to understand the foundationless theories and witness issues that have existed for about 2 1/2 years, I would prefer if the Court would assign Mr. LaRusso and/or Mr. Oliveras to me to ease the transition of knowledge, or at a minimum, an attorney with white collar case experience, unlike Mr. Haley, who disclosed to me during trial that my trial defense for "wire fraud" was the first of his career.

I would also like the Court to accept the submission of this disc in response to the dialog between myself and the Court on April 6, 2016, highlighted in my June 15, 2015 letter to Your Honor on the disc. Please note that the voluminous reports and exhibits are a proportional response to the standard and volume set by the government during 9-weeks of government witness lies, foundationless proffers, unproven theories, and falsifications which were repeated so frequently that they became accepted as immutable truths by the Court.

The disc also addresses the Court's request from the Forfeiture Hearings for the previous testimonies of Robert Gaudet (ignored by the government's trial theories), who witnessed the Jowdy signature in Mexico on the December 2004 loan agreement between himself and the Hawaii Partners (under my control). Mr. Gaudet's testimony from the Nolan v. Kenner May 2009 Arbitration, his July 2, 2009 Arizona deposition in the Little Isle IV, Ula Makika and Kenner v. Jowdy case, and the Gaudet testimony in the December 2010 Nevada trial Glen Murray v. Jowdy, are all included confirming on three (3) separate occasions Mr. Gaudet's affirmations of signing the loan document in person with Jowdy present and at Jowdy's request in Mexico with Kenner. In the Nevada case testimony (included), Your Honor will also find 29-pages of transcripts with Jowdy's attorney using the 2004 loan agreement as "authentic" and "in support" of their defense theory for Jowdy's defense claims with me on the witness stand in a frivolous effort to impeach my 3rd party defense (to Jowdy's claims) while I was in Pro Se for the 4-day bench trial. The NV ruling is also included on the disc for Your's Honors review, with both Mr. Murray and I independently prevailing over Jowdy.

I respectfully appreciate your time to immediately address this unfortunate situation, which I now view as irreparable between myself and Mr. Haley.

Sincerely, Phil Kenner

